

From the:
INTERNATIONAL SEARCHING AUTHORITY

To:
Griffith Hack
GPO Box 1285K
MELBOURNE VIC 3001

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing
(day/month/year) 18 NOV 2004

Applicant's or agent's file reference
FP20428

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/AU2004/001322

International filing date (day/month/year)
24 September 2004

Priority date (day/month/year)
26 September 2003

International Patent Classification (IPC) or both national classification and IPC
Int. Cl. ⁷ A01B 45/02; A01G 1/12

Applicant
GRADEN INDUSTRIES PTY LTD et al

1. This opinion contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input checked="" type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the IPEA/AU
AUSTRALIAN PATENT OFFICE
PO BOX 200, WODEN ACT 2606, AUSTRALIA
E-mail address: pct@ipaaustralia.gov.au
Facsimile No. (02) 6285 3929

Authorized Officer
A. SEN
Telephone No. (02) 6283 2158

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Box No. I

Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. V **Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1.- Statement

Novelty (N)	Claims 8-11, 14, 18-24, 26-29	YES
	Claims 1-7, 12, 13, 15-17, 25	NO
Inventive step (IS)	Claims	YES
	Claims 1-29	NO
Industrial applicability (IA)	Claims 1-29	YES
	Claims	NO

2. Citations and explanations:

NOVELTY (N): Claims 1-7, 12, 13, 15-17, 25

(a) GB 2279221: Claims 1-4, 6, 7, 12, 13

From drawings, description, frame 10; wheels 23 (other wheels not present as per page 4, last two lines); cutting discs 19; adjusting means on page 3, second paragraph

(b) GB 2164231: Claims 1-4, 6, 7, 12, 13

From drawings, description, frame 11; wheels 21, 22; cutting discs 20; adjusting means on page 1, lines 93-105

(c) EP 472103: Claims 1-4, 15, 17, 25

From drawings, description, housing 2; cutting discs 10; adjusting means on page 8, lines 43/44, fig 3, claims 13-15

(d) GB 2268385: Claims 1-4, 15-17

From drawings, description, housing 21; cutting discs 4; intermediate pulley 25

(e) GB 2301012: Claims 1, 2, 4, 5

From drawings, description, housing 1; cutting discs 10

Hence each document discloses all features of each claim listed alongside.

Continued in Supplemental Box

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: Box V

INVENTIVE STEP (IS): Claims 1-29

Claims 1-7, 12, 13, 15-17, 25: as above

(f) US 4028868: screw handle 62; threaded shaft 58; reaction surface 60, 61; bore/nut 57; pivot bar 54; housing pivoted at 49; linkage fixed to part 55

(g) DE 29708651: first curved arm 10 on first wheel 8 at right hand side of figure 1; linkage member 12; second curved arm 10 on second wheel at left hand side of fig 1

The following claims lack an inventive step:

- (i) Claim 8 with respect to GB 2279221 or GB 2164231 when either is combined with US 4028868
- (ii) Claims 9-11 each with respect to GB 2279221 or GB 2164231 when either is combined with US 4028868 and then with DE 29708651
- (iii) Claims 18, 19, 20, 24 each with respect to EP 472103 or GB 2268385 when either is combined with GB 2279221 or GB 2164231
- (iv) Claims 21-23 each with respect to EP 472103 or GB 2268385 when either is combined with US 4028868 and then with GB 2279221 or GB 2164231

such combination being obvious to the person skilled in the art (PSA).

In addition, Claims 5, 14, each lack an inventive step with respect to GB 2279221; Claims 5, 14, each lack an inventive step with respect to GB 2164231; Claims 5, 16, 26-29, each lack an inventive step with respect to EP 472103; Claims 5, 25-29, each lack an inventive step with respect to GB 2268385; Claim 3 lacks an inventive step with respect to GB 2301012. The invention defined in each claim is merely a variation of the invention disclosed in each citation and the PSA would arrive at the claimed invention by general experimentation alone without exercising ingenuity.

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Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

1. Claim 22 lacks clarity in that there is no prior reference to 'reaction *plate*'. You probably meant 'reaction *surface*'.